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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,882	10/30/2003	Harumi Morino	58799-100	7806
7590 McDermott, Will & Emery 600, 13th Street, N.W. Washington, DC 20005-3096			EXAMINER SCHMIDT, KARI L.	
			ART UNIT 2139	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/695,882

Applicant(s)

MORINO ET AL.

Examiner

KARI L. SCHMIDT

Art Unit

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-8 and 12-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-8 and 12-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Notice to Applicant

This communication is in response to the amendment filed on 02/29/2008.

Claims 1-2, 4-8 and 12-24 remain pending. Claims 1, 2, 4 and 16 have been amended.

Claims 23-24 have been added.

Claim Rejections - 35 USC § 112

The rejection of claims 1, 2, 4, 13, 16 and 22 under 35 U.S.C. 112, second paragraph has been withdrawn.

Response to Arguments

Applicant's arguments with respect to claims 1, 2, 4-8, 12-24 have been considered but are moot in view of the new ground(s) of rejection.

With respect to claims independent claims 1, 2, 16 the examiner notes the arguments are moot in light of the amendments made to the independent claim.

With respect to claims 19 and 20, the applicant argues that Okamoto fails to disclose a "return mode flag" and "return inhibit flag". The examiner disagrees.

The examiner notes Okamoto discloses a "return mode flag" (see at least, [0092]: "The return flag setting unit is a means for setting information of "Return required" and

[0106]: the examiner notes the LT effective time and period acts as a mode for the return flag). The examiner notes the return mode flag is based on the return flag (e.g. "Return required") which contains information based on the "mode" for return (see at least, [0106]: the examiner notes usage rights for the LT based on the effective time and effective period, which in turn causes an LT issue request to be made based on time and period (see at least, [0107])). The examiner notes under the broadest reasonable interpretation an effective time and period that cause the return flag to be initiated for a LT reissue is interpreted to be a "return mode flag".

The examiner notes Okamoto discloses a "return inhibit flag" (see at least, [0092]: "The return flag setting unit is a means for setting information of "Return required" and [0151]-[0154]: LT issue request... is judged and cannot be issued). The examiner notes the "return inhibit flag" is based on the return flag (e.g. "Return required") which contains information based on the "inhibition" for return (see at least, [0159]: the examiner notes a finite value is used for the LT and contains number of permitted reproduction(s) for the content). The examiner notes under the broadest reasonable interpretation the flag is based on the finite value of the LT and will return and inhibit the content to be reproduced (e.g. when 0 is reached, the flag would be returned and content would be inhibited to be reproduced) is interpreted to be the "return inhibit flag". The examiner notes these arguments are not persuasive.

With respect to claim 21, the applicant argues that Okamoto fails to disclose an automatic return flag for a license. The examiner notes based in the amendment to the independent claims, new reference Gibbs discloses an automatic return of a license to

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the lender based on conditions (see at least, [0098-0099], [0110]: “the return of the content and corresponding license may occur automatically after a predetermined amount of time, a predetermined number of plays, and the like” and “an automatic return of the license may be performed”) and Okamoto discloses the return flag being returned based on the LT (see at least, [0012]). The examiner notes this argument is not persuasive.

With respect to claim 22, the applicant argues that Okamoto fails to teach the deletion of the license information from the memory. The examiner notes Okamoto was not relied on the teaching for deletion of the deletion of the license information from the memory. Inoue was shown to teach the deletion of the license information from the memory (see at least, [0163]: the temporary usage restriction is deleted). The examiner notes the temporary usage restriction (e.g. license information) is deleted from memory. The examiner notes this argument is not persuasive.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-8, and 12-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. (US 2003/0005135 A1) in view of Gibbs et al. (US 2004/0193680 A1) in view of Okamoto et al. (US 2004/0034786 A1).

Claim 1

Inoue discloses a license management system comprising: a license server connected to a network (see at least, Fig. 22: (2210): "right management server"); and a terminal connected to the network (see at least, Fig. 22: (150): "terminal"); said server including: a first memory unit for storing a first license which includes a content key for decrypting content and a first use condition of content (see at least, Fig. 22 (2215): "user information management unit"); an issuance unit for, according to a request from said terminal (see at least, [0159]: "the license ticket generation unit receives, from the terminal for which a plurality of users are registered, the license ticket issuance request in which the owner of the right information"), issuing a second license which includes a second use condition set such that a value of said second use condition is within a value of said first use condition of said content (see at least, [0159]: "with the authentication information (content distribution server), it generates the license ticket

based on the right information of the user identified with authentication information for the terminal, the license ticket generation unit issues the license ticket with the temporary usage restriction registered in the temporary restriction database being appended to, in response to the license ticket issuance request from the temporary user registered in the temporary usage restriction database; temporary license = second license"); and a transmission unit for transmitting to said terminal said second license that is issued(see at least Fig. 22 (132): distribution unit distribute the second license to the terminal); and wherein said terminal includes (see at least, Fig. 22: (150): terminal): a license control unit for managing said second license transmitted from said server (see at least, Fig. 22 (150): a license control unit for managing said second license transmitted from said server (Fig. 23 (2300)) temporary usage restriction); and a reproduction unit for reproducing said content by use of said content key (see at least, Fig. 22 (156) content reproduction unit) and wherein said server further includes: a second memory unit for storing information on said second license which includes an expiration date/time for said terminal (see at least, Fig. 22 (2214)); and restores number of simultaneous issues of said first license when said return control section automatically restores to said return state of said second license when it expires (see at least, [0162-0163]).

Inoue fails to disclose a second memory unit for storing a return mode flag which indicates automatic return or return required; and a return control section for determining wheatear or not said return mode flag indicates said automatic return and said expiration data/time for said terminal has passed, and for automatically restoring to

a return state of said second license when said return mode flag indicates said automatic return and said expiration date/time for said terminal has passed, even if no second license is returned from the terminal to the server, so that said issuance unit can issue said second license for another terminal; and wherein said return control section in said server restores number of simultaneous issues of said first license when said return control section automatically restores to said return state of said second license.

Gibbs discloses an automatic return of a license to the lender based on conditions (see at least, [0098-0099], [0110]: "the return of the content and corresponding license may occur automatically after a predetermined amount of time, a predetermined number of plays, and the like" and "an automatic return of the license may be performed").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Inoue to include automatic return of a license to the lender based on conditions as taught by Gibbs. One of ordinary skill in the art would have been motivated to combine the teachings in order to share content with multiple devices while protected the content from unauthorized use (see at least, Gibbs, [0006]).

Inoue in view of Gibbs fails to disclose a second memory unit for storing a return mode flag which indicates return or return required; and a return control section for determining wheatear or not said return mode flag indicates said return and said expiration data/time for said terminal has passed, and for restoring to a return state of said second license when said return mode flag indicates said return and said expiration

date/time for said terminal has passed, even if no second license is returned from the terminal to the server, so that said issuance unit can issue said second license for another terminal; and wherein said return control section in said server restores number of simultaneous issues of said first license when said return control section restores to said return state of said second license

However Okamoto discloses a second memory unit for storing which includes an expiration date/time for said terminal and a return mode flag which indicates return or return required (see at least, [0012], [0092], [0117-0136] and Fig. 21 (2224b): "the return flag setting unit is a means for setting information of "Return Required"; and a return control section for determining whether or not said return mode flag indicates said return and said expiration/time for said terminal has passed, and for restoring to a return state of said second license when said return mode flag indicates said return and said expiration date/time for said terminal has passed, so that said issuance unit can issue said second license for another terminal (see at least, [0012-0013], [0092]: [0130], [0136], [0193], [0199]: "the server apparatus is accessed with a higher frequency due to returns of license tickets and requests for license tickets issues" and "the return flag setting unit is a means for setting information of "Return Required" and "thus allows an issue of a new LT with renewed effective period, or decreases the number of issued LTs to be less than the permitted number of LT issues and thus allows an issue of a LT and a shared use of the LT between a plurality of terminals owned by the user B)); and wherein said return control section in said server restores said first license when said return control section restores to said return state of said second license (see at least,

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[0012], [0092], [0169]: “and where the expiration of the LT effective period set for the LT is earlier than the usage right effective period” and “the return of the LT and like from the user terminal and update the usage right”).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Inoue in view of Gibbs to include discloses a second memory unit for storing which includes an expiration date/time for said terminal and a return mode flag which indicates return required; and a return control section for determining whether or not said return mode flag indicates said return and said expiration/time for said terminal has passed, and for restoring to a return state of said second license when said return mode flag indicates said return and said expiration date/time for said terminal has passed, so that said issuance unit can issue said second license for another terminal; and wherein said return control section in said server restores said first license when said return control section restores to said return state of said second license as taught by Okamoto. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide a content usage management system and like capable of reducing the load on the user's terminal apparatus and satisfying the demand for various types of services for content usage (see at least, Okamoto, [0011]).

Claim 2

Inoue discloses a server for issuing a content key for decrypting content, comprising: a first memory unit for storing a first license which includes said content key and a first

use condition of said content (Fig. 22: (2215) "user information management unit"); an issuance unit for, when a value of a use condition of said content requested by a terminal does not exceed a value of said first use condition stored in said memory unit, issuing a second license which includes said content key and a second use condition (Fig. 23, page 20, [0162] "expiration date for registering the temporary user in the terminal information in the terminal"); a communication unit for transmitting said second license to said terminal (Fig. 22: (2214)); a second memory unit for storing information on said second license which includes an expiration date/time for said terminal (see at least, Fig. 22 (2214))

Inoue fails to disclose a second memory unit for storing a return mode flag which indicates automatic return or return required; and a return control section for determining wheatear or not said return mode flag indicates said automatic return and said expiration data/time for said terminal has passed, and for automatically restoring to a return state of said second license when said return mode flag indicates said automatic return and said expiration date/time for said terminal has passed, even if no second license is returned from the terminal to the server, so that said issuance unit can issue said second license for another terminal; and wherein said return control section in said server restores number of simultaneous issues of said first license when said return control section automatically restores to said return state of said second license.

Gibbs discloses an automatic return of a license to the lender based on conditions (see at least, [0098-0099], [0110]: "the return of the content and corresponding license may occur automatically after a predetermined amount of time, a

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predetermined number of plays, and the like" and "an automatic return of the license may be performed").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Inoue to include automatic return of a license to the lender based on conditions as taught by Gibbs. One of ordinary skill in the art would have been motivated to combine the teachings in order to share content with multiple devices while protected the content from unauthorized use (see at least, Gibbs, [0006]).

Inoue in view of Gibbs fails to disclose a second memory unit for storing a return mode flag which indicates return or return required; and a return control section for determining wheatear or not said return mode flag indicates said return and said expiration data/time for said terminal has passed, and for restoring to a return state of said second license when said return mode flag indicates said return and said expiration date/time for said terminal has passed, even if no second license is returned from the terminal to the server, so that said issuance unit can issue said second license for another terminal; and wherein said return control section in said server restores number of simultaneous issues of said first license when said return control section restores to said return state of said second license

However Okamoto discloses a second memory unit for storing which includes an expiration date/time for said terminal and a return mode flag which indicates return or return required (see at least, [0012], [0092], [0117-0136] and Fig. 21 (2224b): "the return flag setting unit is a means for setting information of "Return Required"); and a

return control section for determining whether or not said return mode flag indicates said return and said expiration/time for said terminal has passed, and for restoring to a return state of said second license when said return mode flag indicates said return and said expiration date/time for said terminal has passed, so that said issuance unit can issue said second license for another terminal (see at least, [0012-0013], [0092]: [0130], [0136], [0193], [0199]: "the server apparatus is accessed with a higher frequency due to returns of license tickets and requests for license tickets issues" and "the return flag setting unit is a means for setting information of "Return Required" and "thus allows an issue of a new LT with renewed effective period, or decreases the number of issued LTs to be less than the permitted number of LT issues and thus allows an issue of a LT and a shared use of the LT between a plurality of terminals owned by the user B)); and wherein said return control section in said server restores said first license when said return control section restores to said return state of said second license (see at least, [0012], [0092], [0169]: "and where the expiration of the LT effective period set for the LT is earlier than the usage right effective period" and "the return of the LT and like from the user terminal and update the usage right").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Inoue in view of Okamoto include disclose a second memory unit for storing which includes an expiration date/time for said terminal and a return mode flag which indicates return required; and a return control section for determining whether or not said return mode flag indicates said return and said expiration/time for said terminal has passed, and for restoring to a return state

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of said second license when said return mode flag indicates said return and said expiration date/time for said terminal has passed, so that said issuance unit can issue said second license for another terminal; and wherein said return control section in said server restores said first license when said return control section restores to said return state of said second license as taught by Okamoto. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide a content usage management system and like capable of reducing the load on the user's terminal apparatus and satisfying the demand for various types of services for content usage (see at least, Okamoto, [0011]).

Claim 4

Inoue discloses wherein: said first use condition includes the maximum allowable number of simultaneous issues indicating a number of issues of said second license which can be distributed at the same time (page 18, [0155] "temporary usage restriction system is a content distribution system that permits registration of plurality of users on one terminal").

Inoue fails to disclose and said return control section stops automatically restoring said return state of said second license when the maximum allowable number of simultaneous issues has exceeded its initial value stored in said first memory unit.

Gibbs discloses an automatic return of a license to the lender based on conditions (see at least, [0098-0099], [0110]: "the return of the content and corresponding license may occur automatically after a predetermined amount of time, a

predetermined number of plays, and the like" and "an automatic return of the license may be performed").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Inoue to include automatic return of a license to the lender based on conditions as taught by Gibbs. One of ordinary skill in the art would have been motivated to combine the teachings in order to share content with multiple devices while protected the content from unauthorized use (see at least, Gibbs, [0006]).

Inoue in view of Gibbs fails to disclose return control section stops restoring said return state of said second license when the maximum allowable number of simultaneous issues has exceeded its initial value stored in said first memory unit

However Okamoto discloses return control section stops restoring said return state of said second license when the maximum allowable number of simultaneous issues has exceeded its initial value stored in said first memory unit (see at least, [0012], [0092], [0169]: "the permitted number of LT issues" and "the return of the LT and like from the user terminal and update the usage right").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Inoue in view of Gibbs to include return control section stops restoring said return state of said second license when the maximum allowable number of simultaneous issues has exceeded its initial value stored in said first memory unit as taught by Okamoto. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide a content usage

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management system and like capable of reducing the load on the user's terminal apparatus and satisfying the demand for various types of services for content usage (see at least, Okamoto, [0011]).

Claim 5

Inoue in view of Gibbs fails to disclose wherein said license information includes return mode information indicating whether or not said second license is to be returned, said return mode information being provided for each second license; and said return control section executes or stops return processing on said second license according to said return mode information.

However Okamoto wherein said license information includes return mode information indicating whether or not said second license is to be returned, said return mode information being provided for each second license; and said return control section executes or stops return processing on said second license according to said return mode information (see at least, [0012], [0117-0136], [0092], and [0169]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Inoue in view of Gibbs to include wherein said license information includes return mode information indicating whether or not said second license is to be returned, said return mode information being provided for each second license; and said return control section executes or stops return processing on said second license according to said return mode information as taught by Okamoto. One of ordinary skill in the art would have been motivated to combine the teachings in

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order to provide a content usage management system and like capable of reducing the load on the user's terminal apparatus and satisfying the demand for various types of services for content usage (see at least, Okamoto, [0011]).

Claim 6

Inoue in view of Gibbs fails wherein said return control section is configured for setting said return mode information according to a request from said terminal.

However Okamoto discloses wherein said return control section is configured for setting said return mode information according to a request from said terminal (see at least, [0012]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Inoue in view of Gibbs to include wherein said return control section is configured for setting said return mode information according to a request from said terminal as taught by Okamoto. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide a content usage management system and like capable of reducing the load on the user's terminal apparatus and satisfying the demand for various types of services for content usage (see at least, Okamoto, [0011]).

Claim 7

Inoue fails wherein said return mode information includes information for determining whether said server is to automatically return said second license.

Gibbs discloses an automatic return of a license to the lender based on conditions (see at least, [0098-0099], [0110]: “the return of the content and corresponding license may occur automatically after a predetermined amount of time, a predetermined number of plays, and the like” and “an automatic return of the license may be performed”).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of to include automatic return of a license to the lender based on conditions as taught by Gibbs. One of ordinary skill in the art would have been motivated to combine the teachings in order to share content with multiple devices while protected the content from unauthorized use (see at least, Gibbs, [0006]).

Inoue in view of Gibbs fails to disclose wherein said return mode information includes information for determining whether said server is to return said second license.

However Okamoto discloses wherein said return mode information includes information for determining whether said server is to return said second license (see at least, [0012], [0117-0136], [0092], and [0169]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Inoue in view of Gibbs to include wherein said return mode information includes information for determining whether said server is to automatically return said second license as taught by Okamoto. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide a

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content usage management system and like capable of reducing the load on the user's terminal apparatus and satisfying the demand for various types of services for content usage (see at least, Okamoto, [0011]).

Claim 8

Inoue in view of Gibbs fails to disclose the server as claimed in claim 5, wherein said return mode information includes information for determining whether said terminal is to return said second license to said server.

However Okamoto discloses wherein said return mode information includes information for determining whether said terminal is to return said second license to said server (see at least, [0012], [0117-0136], [0092], and [0169]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Inoue in view of Gibbs to include wherein said return mode information includes information for determining whether said terminal is to return said second license to said server as taught by Okamoto. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide a content usage management system and like capable of reducing the load on the user's terminal apparatus and satisfying the demand for various types of services for content usage (see at least, Okamoto, [0011]).

Claim 12

Inoue discloses the server as claimed in claim 2, wherein said first use condition is determined by a manager of said content or a manager of said first license; and said second use condition is determined by a user of said content (Fig. 22 (2215): "user information management unit").

Claim 13

Inoue discloses wherein said first use condition includes a maximum allowable number of simultaneous issues indicating a number of issues of said second license which can be distributed at the same time; when said issuance unit has issued said second license, (page 18, [0155] "content distribution system that permits registration of plurality of users on one terminal" Fig. 23).

Inoue fails to disclose said issuance unit decrements the maximum allowable number of simultaneous issues; and said return control section increments the maximum allowable number of simultaneous issues to automatically restore to said return state of said second license when said expiration date/time for said terminal has passed.

Gibbs discloses an automatic return of a license to the lender based on conditions (see at least, [0098-0099], [0110]: "the return of the content and corresponding license may occur automatically after a predetermined amount of time, a predetermined number of plays, and the like" and "an automatic return of the license may be performed").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Inoue to include automatic return of a license to the lender based on conditions as taught by Gibbs. One of ordinary skill in the art would have been motivated to combine the teachings in order to share content with multiple devices while protected the content from unauthorized use (see at least, Gibbs, [0006]).

Inoue in view of Gibbs fails to disclose said issuance unit decrements the maximum allowable number of simultaneous issues; and said return control section increments the maximum allowable number of simultaneous issues to restore to said return state of said second license when said expiration date/time for said terminal has passed.

However Okamoto said issuance unit decrements the maximum allowable number of simultaneous issues (see at least, [0256-258]); and said return control section increments the maximum allowable number of simultaneous issues to restore to said return state of said second license when said expiration date/time for said terminal has passed (see at least, [0256-258]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Inoue in view of Gibbs to include said issuance unit decrements the maximum allowable number of simultaneous issues; and said return control section increments the maximum allowable number of simultaneous issues to automatically restore to said return state of said second license when said expiration date/time for said terminal has passed as taught by Okamoto. One of

ordinary skill in the art would have been motivated to combine the teachings in order to provide a content usage management system and like capable of reducing the load on the user's terminal apparatus and satisfying the demand for various types of services for content usage (see at least, Okamoto, [0011]).

Claim 14

Inoue discloses wherein: when said issuance unit has issued said second license, said issuance unit inhibits further issuance of said second license; and when said expiration date/time for said terminal has passed (Fig. 22 (113): "content usage right database" = issuance unit; (2217) "license ticket generation unit" = expiration date/time of said content has passed and page 20, paragraph [0163]: "An expiration data for registering the temporary user in the terminal information in the terminal information database is described in the terminal registration expiration date. When the date expires the temporary user's ID registered in the terminal information in the terminal information database is deleted.").

Inoue fails to disclose said return control section cancels said inhibition of further issuance of said second license to automatically restore to said return state of said second license.

Gibbs discloses an automatic return of a license to the lender based on conditions (see at least, [0098-0099], [0110]: "the return of the content and corresponding license may occur automatically after a predetermined amount of time, a

predetermined number of plays, and the like" and "an automatic return of the license may be performed").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Inoue to include automatic return of a license to the lender based on conditions as taught by Gibbs. One of ordinary skill in the art would have been motivated to combine the teachings in order to share content with multiple devices while protected the content from unauthorized use (see at least, Gibbs, [0006]).

Inoue in view of Gibbs fails to disclose said return control section cancels said inhibition of further issuance of said second license to restore to said return state of said second license.

However Okamoto discloses said return control section cancels said inhibition of further issuance of said second license to restore to said return state of said second license (see at least, [0012], [0117-0136], [0092], [0169], and [0175])

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Inoue in view of Gibbs to include said return control section cancels said inhibition of further issuance of said second license to automatically restore to said return state of said second license as taught by Okamoto. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide a content usage management system and like capable of reducing the load on the user's terminal apparatus and satisfying the demand for various types of services for content usage (see at least, Okamoto, [0011]).

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Claim 15

Inoue discloses wherein said first use condition includes a first value of the number of reproduction operations of said content; said second use condition includes a second value of the number of reproduction operations of said content; when said issuance unit has issued said second license, said issuance unit subtracts said second value of the number of reproduction operations from said first value of the number of reproduction operations; upon receiving said second license returned from said terminal, and when an expiration date/time for said terminal has passed, said return control section maintains said first value of the number of reproduction operations from which said second value of number of reproduction operations has been subtracted to automatically restore to said return state of said second license (see at least, Fig. 22: (156) and [0131]: "content reproduction Unit: the license ticket processing unit 154 confirms at regular time intervals whether the content reproduction unit 156 continues reproducing the content or not S1207), and if it continues, interprets the license ticket 2 again, and decides whether the reproduction of the content is permitted or not (S1202). When the reproduction of the content is permitted depending upon the reproduction condition at that time, as a result of the interpretation of the license ticket 2 (S1203), the license ticket processing unit 154 further interprets the license ticket 1 (S1204), and decides whether the reproduction of the content is permitted or not at that time (S1205)", Fig. 23 and [0162]: "expiration date for registering the temporary user in the terminal information in the terminal" [0059]: "subtracts the usage duration or usage number in this request from the read-out content rule so as to calculate the remaining

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usage duration or usage number and updates the right information using the calculation result).

Inoue in view of Gibbs fails to disclose upon receiving said second license returned from said terminal, said return control section adds an update of said second value of the number of reproduction operations included in said second use conditions to said first value of the number of reproduction operations.

However Okamoto discloses upon receiving said second license returned from said terminal, said return control section adds an update of said second value of the number of reproduction operations included in said second use conditions to said first value of the number of reproduction operations [see at least, [0069] and [0256-258]].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Inoue in view of Gibbs to include said return control section cancels said inhibition of further issuance of said second license to automatically restore to said return state of said second license as taught by Okamoto. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide a content usage management system and like capable of reducing the load on the user's terminal apparatus and satisfying the demand for various types of services for content usage (see at least, Okamoto, [0011]).

Claim 16

Inoue discloses a terminal capable of communicating with a server for issuing a content key for decrypting content, said server comprising: a first memory unit for storing a first

license which includes said content key and a first use condition of said content (page 3, [0058] "temporary usage restriction database"); an issuance unit for, when a value of a second use condition of said content requested by said terminal does not exceed a value of said first use condition stored in said first memory unit, issuing a second license which includes said content key and said second use condition (page 19, paragraph [0159] "the license ticket generation unit receives, from the terminal for which a plurality of users are registered, the license ticket issuance request in which the owner of the right information.."); and a communication unit for transmitting said second license to said terminal (Fig. 22, (119): "communication unit"); said terminal comprising (Fig. 22: (140 and 150): a second memory unit for storing said content (Fig. 22 (155) "content storage unit"); a communication unit for receiving said second license from said server (Fig. 22, (152) "communication unit"); a decryption unit for decrypting said content in said second memory unit by use of said content key included in said second license (see at least, [0069]); a reproduction unit for reproducing the decrypted content according to said second use condition included in said second license (Fig. 22, (154): "license ticket processing unit"); and wherein said server further includes: a second memory unit for storing information on said second license which includes an expiration date/time for said terminal(see at least, Fig. 22 (2214)) and restores number of simultaneous issues of said first license when said return control section automatically restores to said return state of said second license when it expires (see at least, [0162-0163]).

Inoue fails to disclose a second memory unit for storing a return mode flag which indicates automatic return or return required; and a return control section for determining wheatear or not said return mode flag indicates said automatic return and said expiration data/time for said terminal has passed, and for automatically restoring to a return state of said second license when said return mode flag indicates said automatic return and said expiration date/time for said terminal has passed, even if no second license is returned from the terminal to the server, so that said issuance unit can issue said second license for another terminal; and wherein said return control section in said server restores number of simultaneous issues of said first license when said return control section automatically restores to said return state of said second license.

However, Gibbs discloses an automatic return of a license to the lender based on conditions (see at least, [0098-0099], [0110]: "the return of the content and corresponding license may occur automatically after a predetermined amount of time, a predetermined number of plays, and the like" and "an automatic return of the license may be performed").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Inoue to include automatic return of a license to the lender based on conditions as taught by Gibbs. One of ordinary skill in the art would have been motivated to combine the teachings in order to share content with multiple devices while protected the content from unauthorized use (see at least, Gibbs, [0006]).

Inoue in view of Gibbs fails to disclose a second memory unit for storing a return mode flag which indicates return or return required; and a return control section for determining wheatear or not said return mode flag indicates said return and said expiration data/time for said terminal has passed, and for restoring to a return state of said second license when said return mode flag indicates said return and said expiration date/time for said terminal has passed, even if no second license is returned from the terminal to the server, so that said issuance unit can issue said second license for another terminal; and wherein said return control section in said server restores number of simultaneous issues of said first license when said return control section restores to said return state of said second license

However Okamoto discloses a second memory unit for storing which includes an expiration date/time for said terminal and a return mode flag which indicates return or return required (see at least, [0012], [0092], [0117-0136] and Fig. 21 (2224b): "the return flag setting unit is a means for setting information of "Return Required"); and a return control section for determining whether or not said return mode flag indicates said return and said expiration/time for said terminal has passed, and for restoring to a return state of said second license when said return mode flag indicates said return and said expiration date/time for said terminal has passed, so that said issuance unit can issue said second license for another terminal (see at least, [0012-0013], [0092]: [0130], [0136], [0193], [0199]: "the server apparatus is accessed with a higher frequency due to returns of license tickets and requests for license tickets issues" and "the return flag setting unit is a means for setting information of "Return Required" and "thus allows an

issue of a new LT with renewed effective period, or decreases the number of issued LTs to be less than the permitted number of LT issues and thus allows an issue of a LT and a shared use of the LT between a plurality of terminals owned by the user B)); and wherein said return control section in said server restores said first license when said return control section restores to said return state of said second license (see at least, [0012], [0092], [0169]: "and where the expiration of the LT effective period set for the LT is earlier than the usage right effective period" and "the return of the LT and like from the user terminal and update the usage right").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Inoue in view of Gibbs to include disclose a second memory unit for storing which includes an expiration date/time for said terminal and a return mode flag which indicates return required; and a return control section for determining whether or not said return mode flag indicates said return and said expiration/time for said terminal has passed, and for restoring to a return state of said second license when said return mode flag indicates said return and said expiration date/time for said terminal has passed, so that said issuance unit can issue said second license for another terminal; and wherein said return control section in said server restores said first license when said return control section restores to said return state of said second license as taught by Okamoto. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide a content usage management system and like capable of reducing the load on the user's terminal

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apparatus and satisfying the demand for various types of services for content usage (see at least, Okamoto, [0011]).

Claim 17

Inoue discloses the terminal as claimed in claim 16, wherein said reproduction unit updates said second use condition each time said reproduction unit reproduces said content (Fig. 22, (156) "content reproduction unit").

Claim 18

Inoue disclose wherein: when said issuance unit has issued said second license in said first memory, said issuance unit changes said first use condition; and when said expiration date/time for said terminal has passed, said return control section restores said second license in said first memory to automatically restore to said return state of said second license (see at least, [0159] "the license ticket generation unit receives, from the terminal for which a plurality of users are registered, the license ticket issuance request in which the owner of the right information and Fig. 22: (2214)).

Claim 19

Inoue in view of Gibbs fails to disclose wherein said issuance unit determines whether a return mode flag included in said request from said terminal matches or not said return mode flag in said second memory unit, sets said return mode flag included in said request from said terminal into said second license if matching, and sets a return

mode flag of said first license into said second license when a return reject flag included in said request from said terminal is a predetermined value if not matching.

However, Okamoto discloses wherein said issuance unit determines whether a return mode flag included in said request from said terminal matches or not said return mode flag in said second memory unit, sets said return mode flag included in said request from said terminal into said second license if matching, and sets a return mode flag of said first license into said second license when a return reject (see at least, [0191-0208] and 0286).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Inoue in view of Gibbs to include wherein said issuance unit determines whether a return mode flag included in said request from said terminal matches or not said return mode flag in said second memory unit, sets said return mode flag included in said request from said terminal into said second license if matching, and sets a return mode flag of said first license into said second license when a return reject as taught by Okamoto. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide a content usage management system and like capable of reducing the load on the user's terminal apparatus and satisfying the demand for various types of services for content usage (see at least, Okamoto, [0011]).

Claim 20

Inoue in view of Gibbs fails to disclose wherein said issuance unit sets a value of a return inhibit flag included in said request from said terminal into said second license if a return inhibit flag of said first license and a return inhibit flag included in said request from said terminal satisfies a predetermined condition and sets a value different from said value of a return inhibit flag included in said request from said terminal into said second license if said return inhibit flag of said first license and said return inhibit flag included in said request from said terminal does not satisfy said predetermined condition and a return reject flag included in said request from said terminal is predetermined value, and wherein said return inhibit flag of said first license indicates return required or return inhibited.

However, Okamoto discloses wherein said issuance unit sets a value of a return inhibit flag included in said request from said terminal into said second license if a return inhibit flag of said first license and a return inhibit flag included in said request from said terminal satisfies a predetermined condition and sets a value different from said value of a return inhibit flag included in said request from said terminal into said second license if said return inhibit flag of said first license and said return inhibit flag included in said request from said terminal does not satisfy said predetermined condition and a return reject flag included in said request from said terminal is predetermined value, and wherein said return inhibit flag of said first license indicates return required or return inhibited (see at least, [0339-0341]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Inoue in view of Gibbs to include wherein said issuance unit sets a value of a return inhibit flag included in said request from said terminal into said second license if a return inhibit flag of said first license and a return inhibit flag included in said request from said terminal satisfies a predetermined condition and sets a value different from said value of a return inhibit flag included in said request from said terminal into said second license if said return inhibit flag of said first license and said return inhibit flag included in said request from said terminal does not satisfy said predetermined condition and a return reject flag included in said request from said terminal is predetermined value, and wherein said return inhibit flag of said first license indicates return required or return inhibited as taught by Okamoto. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide a content usage management system and like capable of reducing the load on the user's terminal apparatus and satisfying the demand for various types of services for content usage (see at least, Okamoto, [0011]).

Claim 21

Inoue fails wherein said issuance unit sets a value of an automatic return flag included in said request from said terminal into said second license if an automatic return flag of said first license and an automatic return flag included in said request from said terminal satisfies a predetermined condition and sets a value different from said value of an automatic return flag included in said request from said terminal into said second

license if said automatic return flag of said first license and said automatic return flag included in said request from said terminal does not satisfy said predetermined condition and a return reject flag included in said request from said terminal is a predetermined value, and wherein said automatic return flag of said first license indicates automatic return not permitted or automatic return permitted.

However, Gibbs discloses an automatic return of a license to the lender based on conditions (see at least, [0098-0099], [0110]: "the return of the content and corresponding license may occur automatically after a predetermined amount of time, a predetermined number of plays, and the like" and "an automatic return of the license may be performed").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Inoue to include automatic return of a license to the lender based on conditions as taught by Gibbs. One of ordinary skill in the art would have been motivated to combine the teachings in order to share content with multiple devices while protected the content from unauthorized use (see at least, Gibbs, [0006]).

Inoue in view of Gibbs fails to disclose wherein said issuance unit sets a value of an return flag included in said request from said terminal into said second license if an return flag of said first license and an return flag included in said request from said terminal satisfies a predetermined condition and sets a value different from said value of an return flag included in said request from said terminal into said second license if said return flag of said first license and said return flag included in said request from said

terminal does not satisfy said predetermined condition and a return reject flag included in said request from said terminal is a predetermined value, and wherein said return flag of said first license indicates return not permitted or return permitted.

However, Okamoto discloses wherein said issuance unit sets a value of an return flag included in said request from said terminal into said second license if an return flag of said first license and an return flag included in said request from said terminal satisfies a predetermined condition and sets a value different from said value of an return flag included in said request from said terminal into said second license if said return flag of said first license and said return flag included in said request from said terminal does not satisfy said predetermined condition and a return reject flag included in said request from said terminal is a predetermined value, and wherein said return flag of said first license indicates return not permitted or return permitted (see at least, [0339-0341]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Inoue in view of Gibbs to include wherein said issuance unit sets a value of an return flag included in said request from said terminal into said second license if an return flag of said first license and an return flag included in said request from said terminal satisfies a predetermined condition and sets a value different from said value of an return flag included in said request from said terminal into said second license if said automatic return flag of said first license and said return flag included in said request from said terminal does not satisfy said predetermined condition and a return reject flag included in said request from said

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terminal is a predetermined value, and wherein said return flag of said first license indicates return not permitted or automatic return permitted as taught by Okamoto. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide a content usage management system and like capable of reducing the load on the user's terminal apparatus and satisfying the demand for various types of services for content usage (see at least, Okamoto, [0011]).

Claim 22

Inoue discloses the server as claimed in claim 2, wherein said return control section deletes said information on said second license in said second memory unit without restoring said number of simultaneous issues of said first license when said second license which is returned from said terminal has already been automatically returned by said server (see at least, [0163]).

Claim 23

Inoue in view of Gibbs fails to disclose wherein said return control section retrieves said second license corresponding to said terminal from information on said second license in said second memory unit when said server receives a restore request from said terminal based on detection of damage to data of said second license in said terminal, and transmits said second license corresponding to said terminal to said terminal.

However, Okamoto discloses wherein said return control section retrieves said second license corresponding to said terminal from information on said second license

in said second memory unit when said server receives a restore request from said terminal based on detection of damage to data of said second license in said terminal, and transmits said second license corresponding to said terminal to said terminal (see at least, [0321]: “the LD can be reissued securely in a case there the LD is corrupted in the middle of transmission thereof due to failure of the transmission” The examiner notes of the LD is corrupted during transmission the new LD will be issued to the terminal based on the terminal ID).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Inoue in view of Gibbs to include wherein said return control section retrieves said second license corresponding to said terminal from information on said second license in said second memory unit when said server receives a restore request from said terminal based on detection of damage to data of said second license in said terminal, and transmits said second license corresponding to said terminal to said terminal as taught by Okamoto. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide a content usage management system and like capable of reducing the load on the user's terminal apparatus and satisfying the demand for various types of services for content usage (see at least, Okamoto, [0011]).

Claims 24 is are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. (US 2003/0005135 A1) in view of Gibbs et al. (US 2004/0193680 A1) in view of Okamoto et al. (US 2004/0034786 A1) as applied to claim 23 above, and in further view of Hillegass et al. (US 2002/0007351 A1)

Claim 24

Inoue in view of Gibbs and Okamoto fails to disclose a table which stores number of restore for each terminal, wherein said return control section is configured to transmit said second license corresponding to said terminal if said number of restore corresponding to said terminal remains by referring the table, and to transmit a response which indicates the restore is impossible if said number of restore corresponding to said terminal does not remain by referring the table.

However, Hillegass discloses a table which stores number of restore for each terminal, wherein said return control section is configured to transmit said second license corresponding to said terminal if said number of restore corresponding to said terminal remains by referring the table, and to transmit a response which indicates the restore is impossible if said number of restore corresponding to said terminal does not remain by referring the table (see at least, [0035], [0047], [0101]: "the database preferable includes... table" and "keeps track of the number of times a license restoration is attempted by a user.... A limit is placed on how many times one can restore licenses from the server").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Inoue in view of Gibbs and Okamoto to include a table which stores number of restore for each terminal, wherein said return control section is configured to transmit said second license corresponding to said terminal if said number of restore corresponding to said terminal remains by referring the table, and to transmit a response which indicates the restore is impossible if said number of restore corresponding to said terminal does not remain by referring the table as taught by Hillegass. One of ordinary skill in the art would have been motivated to limit the number of license restorations that can take place in order to limit unauthorized use (see at least, Hillegass, [0101]).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KARI L. SCHMIDT whose telephone number is (571)270-1385. The examiner can normally be reached on Monday - Friday: 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kari L Schmidt/
Examiner, Art Unit 2139

/Kristine Kincaid/
Supervisory Patent Examiner, Art Unit 2139

